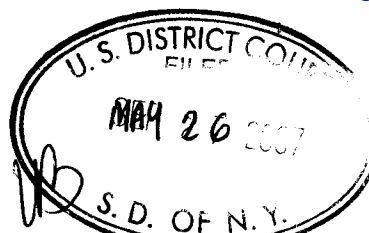


Count Exhibit # 2 in
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5/26/04

Doc #3



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

DONALD MILLER,

Defendant.

FILED UNDER SEAL

WAIVER OF INDICTMENT

04 Cr.

04 CRIM. 502

The above-named defendant, who is accused of violating Title 21, United States Code, Section 846, and Title 18, United States Code, Sections 924(c), 2, and 371, being advised of the nature of the charge and of his rights, hereby waives, in open Court, prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

Don Miller
Defendant

Andrew D. Agostino
Witness

Anthony L. Bizio
Counsel for Defendant

Date: New York, New York
May 26, 2004